

REMARKS

Applicants reply to the Office Action dated January 11, 2008 within the shortened three month period for reply. The Examiner rejects all pending claims 1 and 4-29. Applicants cancel claims 5, 23-24, 26-53, and 55- 57 without prejudice to filing one or more claims having similar subject matter. Applicants add new claims 58-62. Support for the amendments and new claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments and new claims. Applicants respectfully request reconsideration of the pending claims.

Applicants thank the Examiner for the interview held with Applicants' patent attorneys Howard Sobelman and David Nigro on March 21, 2008. Applicants also thank the Examiner for acknowledging that the phrases "continuous over the entire area" and "coextensive with the entire area" help to further distinguish the presently claimed invention from the Conner reference.

Claim Numbering

In preparation of this Reply, Applicants noticed that on March 24, 2006, Applicants' former counsel withdrew claims 26-53 of the present application in response to a restriction requirement that the Examiner required on August 9, 2005. Applicants believe that claims 26-53 should have been cancelled.

Applicants also noticed that in the subsequent prosecution history, Applicants' former counsel inadvertently did not include withdrawn claims 26-53 in the listing of the claims, so Applicants' former counsel previously added new claims numbered 26-29 instead of starting the new claims at claim 54. In the current amendments, Applicants correct the claim numbering. Accordingly, Applicants currently cancel formerly withdrawn claims 26-53. In addition, Applicants renumber former new claims 26-29 as claims 54-57.

Rejection based on 35 U.S.C. § 103(a)

Claims 1-14, 18-20, 22, and 27-28 [former claims 27-28 are currently numbered claims 55-56]

The Examiner rejects claims 1-14, 18-20, 22, and 27-28 [55-56] as unpatentable over U.S. Application Publication Number 2005/0194453 ("Conner") in view of U.S. Patent No. 6,025,283 ("Roberts"), further in view of U.S. Application Publication Number 2003/0047253 ("Robinson") and U.S. Patent No. 5,569,898 ("Fisher"). Applicants respectfully traverse these rejections.

Conner teaches several layers of a card, but does not teach a metal layer continuous over the entire area of a card. Conner teaches a “cut-out” (labeled 58 in Figure 12) with a non-continuous shutter placed within a portion of the cut-out, thus any material that comprises the layer will not extend over an entire area of the card. Conner also teaches away from a card with a metal layer that is coextensive with the entire area of a second layer in that Conner requires a space or gap such that the rotatable disk (labeled 5 in Figure 12) may rotate within the card. The space or gap would be filled with air to allow rotation, so the air would form a non-metallic area. In other words, if the Conner card included a continuous layer over an entire surface of a card coextensive with the entire area a second layer, it would literally destroy the intended functionality of Conner in that the rotatable disk of Conner would not be able to rotate. As such, Conner does not teach or contemplate at least “a metal layer which is continuous over the entire area of said transaction card; a second layer; wherein said metal layer is coextensive with the entire area of said second layer” as recited by independent claim 1. Roberts, Robinson, and Fisher do not cure the deficiencies of Conner.

Dependent claims 2-4, 6-14, 18-20 and 22, variously depend from independent claim 1, so Applicants assert that dependent claims 2-4, 6-14, 18-20 and 22 are patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of their own respective features. Claims 5 and 27-28 [55-56] are now canceled. Accordingly, Applicants respectfully assert that these rejections are moot.

Claims 15-17

The Examiner rejects claims 15-17 as unpatentable over Conner modified by Roberts, Robinson, and Fisher, further in view of U.S. Application Publication Number 2004/0121257 (“Kaminsky”). Applicants respectfully traverse these rejections.

The deficiencies of Conner are discussed above. Dependent claims 15-17 variously depend from independent claim 1, so Applicants assert that dependent claims 15-17 are patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of their own respective features.

Claims 21, 29 [former claim 29 is currently numbered claim 57]

The Examiner rejects claims 21, 29 [57] as unpatentable over Conner modified by Roberts and Robinson, further in view of U.S. Application Publication Number 20030202151 (“Hinata”). Applicants respectfully traverse these rejections.

The deficiencies of Conner are discussed above. Dependent claim 21 variously depends from independent claim 1, so Applicants assert that dependent claim 21 is patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of its own respective features. Claim 57 is now canceled. Accordingly, Applicants respectfully assert that this rejection is moot.

Claims 23-24

The Examiner rejects claims 23-24 as unpatentable over Conner modified by Roberts, Robinson, and Fisher, further in view of U.S. Patent No. 3,468,046 ("Makishima") and U.S. Application Publication Number 2003/0150762 ("Biller"). Applicants respectfully traverse these rejections. Claims 23-24 are now canceled. Accordingly, Applicants respectfully assert that these rejections are moot.

Claim 25

The Examiner rejects claims 25 as unpatentable over Conner modified by Roberts, Robinson, and Fisher, further in view of U.S. Patent No. 4,876,441 ("Hara"). Applicants respectfully traverse this rejection. The deficiencies of Conner are discussed above. Dependent claim 25 variously depends from independent claim 1, so Applicants assert that dependent claim 25 is patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of its respective features.

Claim 26 [former claim 26 is now claim 54]

The Examiner indicated in the Office Action Summary that claim 26 is rejected. However, the Detailed Action did not set forth a rejection of claim 26. Dependent claim 26 [current claim 54] variously depends from independent claim 1, so Applicants assert that dependent claim 26 [current claim 54] is patentable for at least the same reasons for differentiating the independent claim 1, as well as in view of its own respective features.

New Claims

New claims 58-62 variously depend from independent claim 1. Applicants assert that new claims 58-62 are differentiated from the cited references for at least the reasons set forth above with respect to independent claim 1, in addition to their own respective features.

Conclusion

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as its invention and are allowable over the cited prior art. Accordingly, Applicants respectfully request allowance of the pending

claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Respectfully submitted,

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